

COMMITTEE AMENDMENT FORM

DATE 10/14/03

COMMITTEE CD/HR

PAGE#(S) _____

ORDINANCE# 03-O-1586

SECTION(S) 1

RESOLUTION# _____

PARAGRAPH _____

AMENDMENTS:

To delete certain words in Section 1 and insert new language as shown in bold characters:

Section 1. The Mayor is hereby authorized to enter into an Agreement with Trees Atlanta on behalf of the City ("Agreement"), in an amount not to exceed six hundred thirty five thousand Dollars (\$635,000.00), to be paid from the Tree Trust Fund, whereby Trees Atlanta shall implement its Trees Atlanta Proposal, and specifically the "NeighborWoods" project, the "Urban Street Trees" project, and the Downtown and Midtown Tree Maintenance project, that are described in the Trees Atlanta Proposal, for an amount not to exceed five hundred and eighty five thousand dollars (\$585,000), and shall print ~~the Brochure and distribute a copy to ninety thousand (90,000) City households, for an amount not to exceed fifty thousand dollars (\$50,000).~~ **educational information and distribute the information through an already existing City method(s), for an amount not to exceed fifty thousand dollars (\$50,000.00).** For purposes of this Agreement, the City hereby declares that Trees Atlanta is a sole source.

COMMUNITY DEVELOPMENT/HUMAN RESOURCES

AN ORDINANCE AUTHORIZING DISTRIBUTION AND ALLOCATION OF TREE TRUST FUND PROCEEDS SUCH THAT: \$365,000 SHALL BE ALLOCATED TO THE DEPARTMENT OF PARKS, RECREATION, AND CULTURAL AFFAIRS FOR PLANTING TREES IN CITY PARKS AND IN THE CITY RIGHT OF WAY; \$50,530 SHALL BE ALLOCATED TO THE DEPARTMENT OF PLANNING FOR THE FUNDING OF SUPPORTIVE ADMINISTRATION COSTS ASSOCIATED WITH THE ENFORCEMENT OF THE TREE PROTECTION ORDINANCE; AND THE MAYOR SHALL BE AUTHORIZED TO ENTER INTO AN AGREEMENT WITH TREES ATLANTA, INC. FOR THE PLANTING AND MAINTENANCE OF TREES IN AN AMOUNT NOT TO EXCEED \$585,000.00, AND FOR THE PUBLISHING AND DISTRIBUTION OF EDUCATIONAL BROCHURES, IN AN AMOUNT NOT TO EXCEED \$50,000.00; AND AMENDING THE 2003 TRUST FUND BUDGETS, DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT AND THE DEPARTMENT OF PARKS AND RECREATION BY TRANSFERRING BETWEEN ACCOUNTS \$1,050,530.00 FOR THE SAME PURPOSES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") Tree Conservation Commission was established by the City's Tree Protection Ordinance to oversee the management and maintenance of trees on both public and private property, and to establish educational programs that encourage proper management and maintenance of trees on private property so that the City and its residents enjoy the benefits provided by the City's urban forest; and

WHEREAS, in 2001, in what is codified as Atlanta Code of Ordinances section 158-66, the Tree Conservation Commission was tasked with establishing a Tree Trust Fund to be utilized for the protection, planting, maintenance, and regeneration of City trees and other forest resources, and for related educational programs and materials; and

WHEREAS, the Tree Trust Fund is funded by developers, builders, contractors, homeowners and others as a recompense for permitted and illegal removal and destruction of trees within the City; and

WHEREAS, to date, the Tree Trust Fund has accumulated a total amount of \$1,098,190.13; and

WHEREAS, a maximum of five percent of the fund may be used for educational materials and programs; and

WHEREAS, Trees Atlanta Inc. ("Trees Atlanta") is a non-governmental, non-profit organization, which for nineteen years has been committed to the care and replenishment of urban forestry, and planting trees in the City's rights of way, and there is no other organization with this mission or performing this work; and

WHEREAS, Trees Atlanta is the only organization that utilizes neighborhood volunteers to plant trees, thereby dramatically reducing the cost of its services while improving neighborhood involvement and sense of ownership in City projects; and

WHEREAS, the City desires to spend approximately \$585,000 of the funds currently in the Tree Trust Fund to plant and maintain trees throughout the City, and especially Downtown, to contribute toward the Mayor's Downtown Initiative, and desires to spend approximately \$50,000 to print and distribute to ninety thousand (90,000) City households a brochure created by the Tree Conservation Commission that educates the public on the need for the protection and maintenance of trees, and on the laws regarding cutting of trees; and

WHEREAS, the planting and maintenance of trees will greatly reduce soil erosion, runoffs, and flooding, will improve the air quality, will provide a shaded and cool atmosphere for walking and other outdoor activities, will prompt an appreciation of property values, and will enhance the beauty of the City, thereby making the City more livable and attracting tourists and investors; and

WHEREAS, to further support the City's efforts, it is important to educate the general public about how to protect and maintain trees; and

WHEREAS, Trees Atlanta has submitted a three-part proposal to the City regarding utilization of the Tree Trust Fund monies, and suggests that Trees Atlanta utilize the funds to implement its "NeighborWoods" program, its "Urban Street Trees" planting campaign, and a Downtown and Midtown Atlanta Tree Maintenance project ("Trees Atlanta Proposal"); and

WHEREAS, under the "NeighborWoods" program, Trees Atlanta will plant one thousand four hundred (1,400) eight-foot tall trees in total, along neighborhood streets, schools and parks. Each City council district will receive a minimum of one hundred of those trees, and the trees shall be planted by neighbors, Trees Atlanta volunteers, and local school children. An extra two hundred trees shall be planted in districts where Trees Atlanta has already received requests and pre-planned specific projects beyond the minimum one hundred trees. Trees Atlanta will maintain the trees and guarantee the survival of the trees for three years, excluding trees lost to theft or vandalism; and

WHEREAS, the "Urban Street Trees" initiative is a program whereby Trees Atlanta will plant two hundred and forty (240) large 2.5" caliper (fifteen foot tall) trees on sidewalks along major street corridors connecting neighborhoods to the City. Twenty five (25) of the 2.5" caliper trees shall be planted along major traffic corridors, which planting shall require concrete cutting for four inch thick sidewalks and concrete removal. Two

hundred and fifteen (215) of the 2.5" caliper trees shall be planted on sidewalks, medians, strips, and in planters, which planting does not require concrete cutting. Trees Atlanta will maintain the trees and guarantee the survival of the trees for three years, excluding trees lost to theft or vandalism; and

WHEREAS, the Downtown and Midtown Atlanta Tree Maintenance project shall include but not be limited to mulching, pruning, fertilizing, tree grate maintenance, and watering of trees in the City located in an area bordered by 16th Street on the north side, Piedmont Avenue on the east side, Memorial Drive on the south side, and Spring Street on the West side. The project will also involve carrying out a tree inventory to organize tree maintenance, and to record tree planting locations and trees' history by Trees Atlanta; and

WHEREAS, the City has recently completed construction at three Atlanta Parks, namely the Adamsville Recreation Center, Washington Park, and the Bitsy Grant Tennis Center (hereinafter "the Three Parks"); and

WHEREAS, to complete the projects at the Three Parks, the City must plant a significant number of trees at each location; and

WHEREAS, the City has incurred \$50,530 in administrative, support costs for items such as printing and posting of signs for tree removals, advertising hearings and other clerical costs which are to be reimbursed from the Tree Trust Fund.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

Section 1. The Mayor is hereby authorized to enter into an Agreement with Trees Atlanta on behalf of the City ("Agreement"), in an amount not to exceed six hundred thirty five thousand Dollars (\$635,000.00), to be paid from the Tree Trust Fund, whereby Trees Atlanta shall implement its Trees Atlanta Proposal, and specifically the "NeighborWoods" project, the "Urban Street Trees" project, and the Downtown and Midtown Tree Maintenance project, that are described in the Trees Atlanta Proposal, for an amount not to exceed five hundred and eighty five thousand dollars (\$585,000), and shall print **educational information and distribute the information through an already existing City method(s), for an amount not to exceed fifty thousand dollars (\$50,000.00).** For purposes of this Agreement, the City hereby declares that Trees Atlanta is a sole source.

Section 2. The Agreement shall require that Trees Atlanta not plant any trees in the public right of way or on other public property, pursuant to the Urban Street Trees project or on public property pursuant to the NeighborWoods project, until it has received approval regarding the species and location of each tree from the Acting Commissioner of the Department of Parks, Recreation, and Cultural Affairs or her designee. The Agreement shall further require that Trees Atlanta not plant any trees on private property

pursuant to the NeighborWoods project until it has received approval regarding the species of each tree from the Bureau of Buildings' Arborist.

Section 3. The City Attorney is hereby directed to prepare the Agreement for execution by the Mayor, and approval as to form by the City Attorney.

Section 4. The Agreement shall not become binding on the City, and the City shall incur no liability upon the same until the Agreement has been executed by the Mayor and attested to by the Municipal Clerk.

Section 5. All services rendered pursuant to the Agreement, shall be charged to and paid from Fund, Account and Center Number 3P02 524001 Y21P0613QNAO.

Section 6. The Department of Parks, Recreation, and Cultural Affairs is hereby authorized and directed to purchase and plant trees at the Adamsville Recreation Center, Washington Park, and the Bitsy Grant Tennis Center first, and if there are any leftover funds, in any other Park deemed acceptable by the Commissioner of the Department of Parks, Recreation and Cultural Affairs. Said work and trees shall not exceed three hundred sixty five thousand dollars (\$365,000.00), shall be paid from the Tree Trust Fund, and specifically shall be charged to and paid from Fund, Account and Center Number 3P02 521101 N12P0613QNAO.

Section 7. The 2003 Trust Fund Budget Department of Planning and Community Development and the Department of Parks and Recreation is hereby amended as follows:

TRANSFER FROM APPROPRIATIONS

3P02 729002	Service Grant	
Y12P0613QNAO	Tree Recompense Fund	<u>\$1,050,530</u>

TRANSFER TO APPROPRIATIONS

3P02 724001	Consultant Professional Services	
Y21P0613QNAO	Tree Recompense Fund	\$635,000
3P02 721101	Supplies, Operating	\$365,000
N12P0613QNAO		
3P02 72xxxxx	Other Service and Charges	
Y21P0613QNAO	Tree Recompense Fund	\$46,030
3P02 77xxxxx	Equipment, Non-Motorized	
Y21P0613QNAO	Tree Recompense Fund	\$4,500.00
	Total	<u>\$1,050,530</u>

Section 8. That all ordinances and resolutions in conflict herewith are hereby repealed for purposes of this Ordinance only, and only to the extent of said conflict.